

STATE OF OREGON

COUNTY OF MARION

ORDER APPROVING A CHANGE IN POINT OF APPROPRIATION

Pursuant to ORS 537.705, after notice was given and no objections were filed, and finding that no injury to existing water rights would result, this order approves, as conditioned or limited herein, TRANSFER 7802 submitted by

EDER BROTHERS, INC.
11960 HOOK ROAD NE
MT. ANGEL, OREGON 97362.

The right to be modified, as evidenced by Certificate 56381, was perfected under Permit G-6667 with a date of priority of JULY 1, 1974. The right allows the use of A WELL, in the PUDDING RIVER BASIN, for IRRIGATION OF 145.55 ACRES. The amount of water to which this right is entitled is limited to an amount actually beneficially used and shall not exceed 0.64 cubic foot per second, if available at the original well; SW¼ NE¼, AS PROJECTED WITHIN RUSSELL DLC 41, SECTION 30, T 6 S, R 1 W, W.M.; 1870 FEET SOUTH AND 1460 FEET WEST FROM THE NE CORNER OF RUSSELL DLC 41, or its equivalent in case of rotation, measured at the well.

The amount of water used for irrigation, together with the amount secured under any other right existing on the same lands, is limited to ONE-EIGHTIETH of one cubic foot per second per acre, or its equivalent for each acre irrigated and shall be further limited to a diversion of not to exceed 2½ acre-feet per acre for each acre irrigated during the irrigation season of each year.

The use shall conform to any reasonable rotation system ordered by the proper state officer.

The authorized place of use is as follows:

SW $\frac{1}{4}$ NW $\frac{1}{4}$ 19.3 ACRES
NW $\frac{1}{4}$ SW $\frac{1}{4}$ 20.2 ACRES
BOTH AS PROJECTED WITHIN SMITH DLC 42
SECTION 29

SW $\frac{1}{4}$ NE $\frac{1}{4}$ 27.8 ACRES
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 6.9 ACRES
BOTH AS PROJECTED WITHIN RUSSELL DLC 41
SE $\frac{1}{4}$ NE $\frac{1}{4}$ 22.5 ACRES
AS PROJECTED WITHIN SMITH DLC 42
SE $\frac{1}{4}$ NW $\frac{1}{4}$ 0.8 ACRE
NE $\frac{1}{4}$ SW $\frac{1}{4}$ 4.9 ACRES
BOTH AS PROJECTED WITHIN RUSSELL DLC 41
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 21.75 ACRES
AS PROJECTED WITHIN SMITH DLC 42
NE $\frac{1}{4}$ SE $\frac{1}{4}$ 2.1 ACRES
NW $\frac{1}{4}$ SE $\frac{1}{4}$ 19.3 ACRES
BOTH AS PROJECTED WITHIN RUSSELL DLC 41
SECTION 30

TOWNSHIP 6 SOUTH, RANGE 1 WEST, W.M.

The right to use water for the above purpose is restricted to beneficial use on the lands or place of use described.

The applicant proposes to change the point of appropriation to:

SE $\frac{1}{4}$ NE $\frac{1}{4}$, AS PROJECTED WITHIN SMITH DLC 42, SECTION 30, T 6 S, R 1 W, W.M.; 1710 FEET SOUTH AND 600 FEET EAST FROM THE NE CORNER OF DLC 41.

THIS CHANGE TO AN EXISTING WATER RIGHT MAY BE MADE PROVIDED THE FOLLOWING CONDITIONS ARE MET BY THE WATER USER:

1. The proposed change shall be completed on or before October 1, 1999.
2. The quantity of water diverted at the new point of appropriation (well) shall not exceed the quantity of water lawfully available from the original point of appropriation.
3. When required by the Department the water user shall install an in-line flow meter or other suitable device for measuring and recording the quantity of water used. The type and plans of the measuring device must be approved by the Department prior to beginning

construction and shall be installed under the general supervision of the Department.

4. Water shall be acquired from the same aquifer as the original point of appropriation.

Certificate 56381 is cancelled. When satisfactory proof of the completed change is received, a new certificate confirming this water right will be issued.

WITNESS the signature of the Water Resources
Director, affixed FEB 18 1998.



Martha O. Pagel, Director